

1 HONORABLE Robert J. Bryan  
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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

23 NO. 3:19-cv-05795-RJB

24 RUSSELL R. WILLS, and  
25 MICHELE ERICKSON

26 Plaintiffs

27 v.

28 CITY OF DUPONT POLICE DEPARTMENT  
29 CITY OF DUPONT

30 Defendant.

31 PLAINTIFFS, RUSSELL R. WILLS AND  
32 MICHELE ERICKSON'S REPLY  
33 OPPOSING DEFENDANT, CITY OF  
34 DUPONT POLICE DEPARTMENT AND  
35 CITY OF DUPONT'S FED.R.CIV.P. 12(b)  
36 (6) MOTION TO DISMISS,

37 NOTE ON MOTION CALENDAR:  
38 Friday, July 10, 2020

39 COMES NOW Plaintiffs Russell R. Wills and Michele Erickson submits the following

40 Reply Opposing City of DuPont Police Department and City of DuPont's Fed. R. Civ. P.  
41 12(b)(6) Motion to Dismiss.

42 It was clearly stated at the beginning of the traffic stop conducted by Officer Goss with the  
43 City of DuPont Police department, on August 21, 2016 by Michele Erickson, that her  
44 passenger, Russell Wills was in the midst of a severe mental breakdown from a Bi-Polar,  
45 Rapid Cycling episode; compounded by the infection in his jaw and thus explaining his  
46 somewhat erratic behavior.

47 PLAINTIFFS, RUSSELL R. WILLS AND MICHELE  
48 ERICKSON'S REPLY OPPOSING DEFENDANT'S CITY  
49 OF DUPONT POLICE DEPARTMENT AND CITY OF  
50 DUPONT'S MOTION TO DISMISS - 1

51 Russell R. Wills and Michele Erickson  
52 802 Gunn Rd., Port Angeles, WA 98362  
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54 (360) 460-7124, ericksonmtc@aol.com

1 The fact that Officer Goss willfully ignored that is a clear violation of our civil rights and  
2 Russell should have been protected by Title II of the ADA.  
3

4 The Other City of DuPont personnel that were involved were as equally inappropriate and  
5 aggressive in an antagonist fashion. It was beyond clear that Russell was in mental distress.  
6 To further add insult, Michele was hand-cuffed and illegally detained and placed in a  
7 police car while the entire personnel on the scene ignored what was truly going on. The  
8 fact that Russell was ever arrested given the unique circumstances of his mental health at  
9 that point, is absolutely ludicrous to say the very least. He should have been taken to a  
10 hospital or at least been given adequate medical attention at the Pierce County Jail, which  
he did not.

11  
12 Again, it should be stated that the violations were explicitly in relation to Title II of the  
13 Americans with Disabilities Act. Mr. Wills is on Social Security Disability for Mental  
14 Health issues and is undeniably protected under this act and should be treated as such.

15 Furthermore, the institution of a mandatory re-training program for officers at the City of  
16 DuPont on how to handle individuals with Mental Health issues is relevant thus proving  
17 that what occurred was completely handled wrong. As per the admission in the email from  
18 Ted Danek (which is already filed on this case), these implementations were a direct result  
19 from what we endured during the incident. There should be no question as to the  
20 violation of our civil rights.

21  
22 PLAINTIFF, RUSSELL R. WILLS and MICHELE  
ERICKSON'S REPLY OPPOSING DEFENDANT, CITY  
OF DUPONT POLICE DEPARTMENT AND CITY OF  
DUPONT MOTION TO DISMISS - 2

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1 Miss Erickson and Mr. Wills were treated like base criminals and social deviants of some  
2 sort and this behavior was completely unwarranted. We strive to be upstanding members of  
3 our community and expect to be treated as such.

4

5 We would appreciate it if these matters once again were taken under extreme consideration.  
6 We are not attorneys but are absolutely in the right in this situation from any standpoint  
7 presented.

8

9 Thank you for your time and consideration on this matter.

We declare under penalty under the laws of the State of Washington that the foregoing is true and correct to the best of our knowledge.

DATED this 6th day of July, 2020.

RUSSELL R. WILLS, Pro Se  
MICHELE ERICKSON, Pro Se

By: s/Russell R. Wills, s/Michele Erickson  
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PLAINTIFF, RUSSELL R. WILLS AND MICHELE ERICKSON'S REPLY OPPOSING CITY OF DUPONT POLICE DEPARTMENT AND CITY OF DUPONT'S MOTION TO DISMISS- 4

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**CERTIFICATE OF SERVICE**

On July 6th, 2020, I hereby certify that I electronically filed the foregoing REPLY  
OPPOSING DEFENDANT'S CITY OF DUPONT POLICE DEPARTMENT AND CITY OF  
DUPONT'S MOTION TO DISMISS with the Clerk of the Court using the CM/ECF  
system, which forwarded a true and accurate electronic copy to the following:

Guy Bogdanovich, WSBA No. 14777  
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Police Department, City of DuPont  
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PLAINTIFF, RUSSELL R. WILLS AND MICHELE ERICKSON'S REPLY OPPOSING DEFENDANT CITY OF DUPONT POLICE DEPARTMENT AND CITY OF DUPONT'S MOTION TO DISMISS - 5

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